



## FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER  
4755 SW GRIFFITH DRIVE  
BEAVERTON, OR 97005

REGULAR MEETING  
MARCH 20, 2006  
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

Swearing In of Interim City Councilor Bruce S. Dalrymple

PRESENTATION:

06045 Presentation of Proposed Ordinance Regarding Vacant Buildings

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of March 6 and Special Meeting of March 8, 2006

06046 Authorize a Transfer Resolution to Establish the Appropriation to Purchase, Recondition and Equip a Used Paving Machine from the City of Portland (Resolution No. 3855)

Contract Review Board:

06047 Contract Award - Non-Discretionary Investment Advisory Services

06048 Exemption From Competitive Solicitation - Award Contract for Voice Over Internet Protocol (VoIP) Equipment and Implementation Services Through the State of Oregon Price Agreement Number 1055

PUBLIC HEARINGS:

06049 Public Hearing on Biggi Investment Partnership Measure 37 Claim

## ORDINANCES:

### First Reading:

06050          An Ordinance Amending Chapter 5.05 of the Beaverton Code Regarding Vacant Buildings (Ordinance No. 4386)

### Second Reading:

06043          An Ordinance Amending the Beaverton Code in Chapter Two Relating to the Inventory of Prisoner Personal Property and Declaring an Emergency (Ordinance No. 4385)

## EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

## ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

**AGENDA BILL**  
Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Presentation of Proposed Ordinance  
Regarding Vacant Buildings

**FOR AGENDA OF:** 3-20-06 **BILL NO:** 06045

**Mayor's Approval:**

**DEPARTMENT OF ORIGIN:** Code Services *CAF*

**DATE SUBMITTED:** 03-15-06

**CLEARANCES:**

**PROCEEDING:** Presentation

**EXHIBITS:** None

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

**HISTORICAL PERSPECTIVE:**

The City frequently receives complaints about properties that are not being maintained to meet the standards of the community. These complaints usually focus on overgrown vegetation or the accumulation of rubbish, subjects that are already covered by the Beaverton Code.

Occasionally, the complaint is about a vacant building that has become a neighborhood nuisance. The Beaverton Code does not adequately address the problems posed by vacant buildings, so the Mayor directed Code Services to research the subject and draft a proposed ordinance. Code Services staff would now like to brief the Council on the subject of vacant buildings that are allowed to become a nuisance.

**INFORMATION FOR CONSIDERATION:**

This presentation should be considered part of the record for the Council's action on the companion Agenda Bill Number 06050 for the first reading of an ordinance amending Chapter 5.05 of the Beaverton Code, regarding vacant buildings.

**RECOMMENDED ACTION:**

View the PowerPoint presentation by Code Services.

## **DRAFT**

BEAVERTON CITY COUNCIL  
REGULAR MEETING  
MARCH 6, 2006

### CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, March 6, 2006 at 6:35 p.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Dennis Doyle and Cathy Stanton. Coun. Betty Bode was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Engineering Director Tom Ramisch, Operations/Maintenance Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop and City Recorder Sue Nelson.

### PRESENTATIONS:

#### 06036 Presentation of Shields and Swearing In of Two Officers to the Beaverton Police Department

Mayor Drake welcomed the new Police Officers to the City of Beaverton.

Chief Bishop swore in Officers Michael George and Patrick McNair. Mayor Drake presented the officers with their shields.

Chief Bishop thanked the officers' families and friends for their support of these officers as they start their careers.

#### 06037 Traffic Signal Maintenance, Street Lighting and Street Markings Programs Presentation

Operations Supervisor Steve Brennan presented a PowerPoint presentation about the Traffic Signal Maintenance, Street Lighting and Street Markings Programs (in the record). He said the goals of the Traffic Signal Maintenance Program were to: 1) Provide highly reliable and safe traffic control at signalized intersections, pedestrian crosswalks and school zones; and 2) To install and maintain a high quality signage system for the City's streets. He reviewed the Traffic Signal Maintenance Program in detail (in the record). He said the City maintains its own traffic signals, and also the County's and State's traffic signals through intergovernmental agreements with both agencies.

Brennan reviewed recent upgrades to the traffic signals. He said City signals were retrofitted with LEDs (light emitting diode) replacing the incandescent lamps. He said the LEDs have a longer life span and consume 70% less energy than incandescent lamps. He said flashing yellow left-turn signal heads were installed on 21 City signals and on 11 State signals. He said the advantages of the flashing yellow signals were that traffic flow at left turns continues and that saves fuel for the motorist. He said these lights would be installed in six additional locations by the end of FY 2005-06. He showed a picture of the signal head and where the lights were installed. He said an additional upgrade was the addition of Pedestrian Count Down Heads to the traffic signals.

Brennan reviewed the Traffic Sign Maintenance Program. He said there were 16,775 signs in the City Inventory. He said the signs were being digitally mapped; this data would be used by City crews to identify maintenance needs. He said as of February 2006, data gathering on the signs was 70% complete. He showed a sample of the Arcview digital map that designated the sign locations with identification numbers. He said by entering the identification number into the Arcview system, complete information on the sign would be available. He reviewed how signs were identified.

Brennan reviewed the Street Marking Program. He said there were 65.42 miles of traffic markings in the city. He said the raised pavement markers, thermoplastic and painted markers, were being replaced by the Dura-Stripe/Dura-Set traffic paint. He said the Dura-Stripe products were more durable, had the highest reflectivity rating of all products and provided ideal visibility in wet conditions and were more cost effective in application and longevity. He showed streets where Dura-Stripe was applied.

Brennan reviewed the Street Lighting Maintenance Program. He said the City's policy was a 24 hours response to maintenance calls and 72 hours for repair of the light. He reviewed the City's street light assets. He said the City maintained 3,753 street lights and Portland General Electric (PGE) maintained 2,966 street lights.

Coun. Stanton asked if the PGE maintained street lights were in a certain area.

Brennan explained it is usually an entire road that either PGE or the City maintains; PGE maintains the lights on Allen Boulevard and the City maintains the lights in downtown Beaverton.

Coun. Stanton referred to the 304 City owned lights that were maintained by PGE and asked if there was a plan in effect to have the City take over the maintenance.

Brennan explained they were converting the lights where possible but it would require the installation of a converter. He said in some cases it would not be feasible because the light was attached to a PGE pole and the City would not have access.

Coun. Stanton asked if the lights in new developments were maintained by the City.

Brennan replied as new developments go through the planning process, staff makes sure that the lights are maintained by the City. He said the Street Lighting section started a program to replace old, worn wiring and fixtures in several parts of the city as

opportunities and funding were available. He said this will stabilize costs and provide a reliable and efficient system for the city. He showed where this was done on Watson Avenue and said Broadway Avenue, between Watson Avenue and E Street, was identified as a future project.

Mayor Drake thanked Brennan for the presentation.

Coun. Doyle referred to the traffic signal maintenance on Scholls Ferry Road and asked if the City was performing maintenance only; not regulating the signal controls.

Brennan said the County still controls the timing on the traffic signals and confirmed the City was only in charge of the maintenance on these lights.

Coun. Doyle referred to the street markings and asked how much would be saved, over a ten-year period, by changing to the Dura-Stripe/Dura-Set products.

Brennan said once the major conversions were underway, the City would probably save 50% on materials alone and the labor to apply the product would decrease a great deal, which would be a big savings.

Coun. Arnold asked when the signalization of Scholls Ferry was last reviewed.

Traffic Engineer Randy Wooley said the County recently adjusted the lights on Scholls Ferry Road, between Washington Square and Murray Boulevard. He said he has received mixed comments as to whether it is better or worse.

Mayor Drake complimented staff for their customer service when the City receives comments about the signals.

Coun. Doyle said the flashing yellow left-turn arrows and count down lights for pedestrians have been well received by the citizens.

Coun. Stanton thanked staff for removing the flashing yellow left-turn arrow from Denney Road and Hall Boulevard, as she felt it was not safe at that location.

06038 Presentation of the Distinguished Budget Presentation Award and Certificate of Recognition for Budget Preparation to Joanne Harrington for the City's FY 2005-06 Annual Budget Document

06039 Presentation of the Certificate of Achievement for Excellence in Financial Reporting and the Award of Financial Reporting Achievement to J.J. Schulz for the City's FY 2003-04 Comprehensive Annual Financial report

Finance Director Patrick O'Claire introduced Budget Coordinator Joanne Harrington and Senior Accountant J.J. Schulz. He said the City and these two staff members were being presented with awards from the Government Finance Officers Association of the United States and Canada (GFOA). He said the Distinguished Budget Presentation Award and Certificate of Recognition were being presented to Ms. Harrington and the Certificate of Achievement for Excellence in Financial Reporting and the Award of

Financial Reporting Achievement were being presented to Ms. Schulz. He said these were the two highest awards a municipality could receive for its budget and annual financial report. He said this was the 18th consecutive year the City had received the Distinguished Budget Presentation Award. He said Ms. Harrington was the individual primarily responsible for preparing the City's annual budget document.

Mayor Drake presented the Distinguished Budget Presentation Award and Certificate of Recognition to Ms. Harrington. He thanked her for her excellent work.

O'Claire said the second award was the Certificate of Achievement for Excellence in Financial Reporting and the Award of Financial Reporting Achievement which was being presented for the FY 2003-04 Annual Financial Report. He said this was the 26th consecutive year the City has received this certificate. He said the Award was being presented to Ms. Schulz as the staff member primarily responsible for the City's having earned this award for this fiscal year.

Mayor Drake presented the Certificate of Achievement and the Award of Financial Reporting Achievement to Ms. Schulz and thanked her for her excellent work. He said he and the Council were aware of the excellent work done by the Finance Department staff.

Coun. Stanton asked O'Claire if he knew how many cities submit applications for this recognition and how many cities receive the certification.

O'Claire said the City did receive a summary of results, from the prior fiscal year, of all the entities that submitted an award and the number of years they received the award. He said he did not believe there were statistics on who submitted an application and then received an award.

Coun. Stanton asked how Beaverton compared to other cities in Oregon.

O'Claire said Beaverton was one of the higher rated cities in terms of the length and duration of the achievement. He said the City of Hillsboro did not apply for the Distinguished Budget Award Program. He said the City was always commended by the auditors for having a draft financial statement ready for review when they come in to start the audit. He said Beaverton was the only city in Oregon to do this. He said the auditors have always complimented the City staff on their high level of knowledge, integrity and forthrightness in preparing the financial statement.

Coun. Doyle complimented and thanked the entire Finance Department staff for their excellent work. He said he had been on the Audit Committee for several years and the auditors were truly impressed with the City's work.

#### VISITOR COMMENT PERIOD:

Henry Kane, Beaverton, said he had Metro's maps showing the proposed toll lane on Highway 217. He said the map was rudimentary and showed a rush-hour toll lane that would operate two to three hours during the work week. He said the design concept

pictures were not backed by engineering documents. He said he could not find any evidence that engineering was done and without engineering the cost estimates could not be determined. He said someone in ODOT said the use of vehicle fuel and vehicle taxes did not violate the Oregon Constitution, but rulings of the Oregon Supreme Court were to the contrary. He said he felt this proposal was dead on arrival.

Ray Stiles, Beaverton, addressed the Council concerning noise problems in his apartment complex in the Southridge neighborhood.

#### COUNCIL ITEMS:

There were none.

#### STAFF ITEMS:

There were none.

#### CONSENT AGENDA:

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the Consent Agenda be approved as follows:

Minutes of the Regular Meetings of February 6 and 13, 2006

06040 Boards and Commissions Appointment - Heyke Nickerson to Human Rights Advisory Commission

06041 Traffic Commission Issues No.:  
TC 590 Yield Control on SW 162nd Avenue at Jay Street  
TC 591 Parking Restrictions on SW Jay Street Between 160th Avenue and 162nd Avenue

#### Contract Review Board:

06042 Bid Award - Demolition of the Westgate Theater Project

Coun. Stanton thanked staff for answering her questions.

Question called on the motion. Couns. Arnold, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0) Couns. Arnold and Stanton abstained from voting on the February 6, 2006 Minutes as they were not at that meeting.

#### ORDINANCES:

City Attorney Alan Rappleyea said on Agenda Bill 06043, Ordinance No. 4385, regarding the inventory of prisoner personal property, the first reading would be this evening and the second reading would be March 20, 2006. He said the ordinance would retain the emergency clause and would take effect upon adoption after the second reading.



First Reading:

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the rules be suspended, and that the ordinance embodied in Agenda Bill 06043 be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0)

Rappleyea read the following ordinance for the first time by title only:

- 06043 An Ordinance Amending the Beaverton Code in Chapter Two Relating to the Inventory of Prisoner Personal Property and Declaring an Emergency (Ordinance No. 4385)

Second Reading:

Rappleyea read the following ordinances for the second time by title only:

- 06030 An Ordinance Requiring Use of Criminal Offender Information for Applicants for City Employment (Ordinance No. 4381)
- 06031 TA 2005-0008 Amendment of Quasi-Judicial Zoning Map Amendment Approval Criteria (Ordinance No. 4382)
- 06032 CPA 2005-0010 Amendment to Add the SC-E Zone to Sections 3.2 and 3.14 of the Comprehensive Plan (Ordinance No. 4383)
- 06033 An Ordinance Prohibiting Vehicle Camping in Parking Lots Associated with Commercial Structures (Ordinance No. 4384)

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the ordinances embodied in Agenda Bills 06030, 06031, 06032 and 06033 now pass. Roll call vote. Couns. Arnold, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:30 p.m.

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Sue Nelson, City Recorder

APPROVAL:

Approved this     day of     , 2006.

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Rob Drake, Mayor

## **DRAFT**

BEAVERTON CITY COUNCIL  
SPECIAL MEETING  
MARCH 8, 2006

### CALL TO ORDER:

The Special Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Wednesday, March 8, 2006 at 10:10 a.m.

### ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Dennis Doyle, and Cathy Stanton. Coun. Betty Bode was excused. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard and City Recorder Sue Nelson.

### CONTINUATION OF DISCUSSION FOR INTERIM CITY COUNCIL POSITION NO. 1

06044 Mayor Drake said the purpose of this meeting was to continue discussion for filling the Interim City Council Position No. 1.

Coun. Stanton said this was not easy for her, but she felt that the Council needed to select a person who was best able to "hit the ground running." She said in looking at the evaluation criteria, the ability to analyze complex subjects, to be a team player, good communication skills and knowledge of government structure, were extremely important to her. She said a great deal of what the Council does may be difficult for people to understand because the Council has to make decisions based on the City Code. She said she thought Bruce Dalrymple would be the best choice because he understands these processes from his service on various boards. She said his service on the Washington County Planning Commission gives him the ability to understand and work with development codes. She said she was confident he understood that staff analysis was one way to look at an issue, but a City Councilor could suggest other ways to analyze or handle a situation. She said for those reasons she would support Bruce Dalrymple.

Coun. Arnold MOVED, SECONDED by Coun. Doyle that the Council appoint Bruce Dalrymple to fill Interim City Council Position No. 1.

Coun. Arnold said upon hearing of Coun. Ruby's resignation on February 9, she felt uncomfortable appointing someone to fill that position so close to the Primary Election. She said the City Charter required that the position be filled by appointment. She said the Council approved a process to fill the position and eight good people applied. She said she did not feel it was fair to give one of the eight candidates an advantage by appointing them to this position, which would make that candidate the incumbent in the

Primary Election. She said that was why she thought appointing a person who would not run for the position seemed like a good idea. She said it was not possible for the Council to meet again before the election filing deadline. She said Bruce Dalrymple was the only person who filed for the primary election from the interim candidates, so she was no longer concerned about giving someone the advantage. She said she felt it made sense to appoint Dalrymple since he was the only interested candidate and she would welcome Dalrymple to the Council.

Coun. Doyle said he would support the motion. He said in the interview process Dalrymple had the highest score; his background and experience in the planning and budget processes were essential skills that would accelerate the learning curve for this position. He said the Council valued Dalrymple's skills and it was common sense to appoint him to this position.

Coun. Stanton referred to the other candidates and said she looked forward to their participation on other City boards. She said by participating in this process they could become great future candidates for the Council.

Question called on the motion. Couns. Arnold, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (3:0)

Mayor Drake said Dalrymple would be sworn-in at the next Council meeting, March 20, 2006.

## OTHER BUSINESS

Coun. Stanton said this week there were news stories about the closing of the Police Activities League (PAL) in Beaverton. She asked the Councilors if they had read her e-mail about possible ways to help keep PAL in operation. She said she would like to discuss this with Council. She said the PAL Board would meet this Monday and she would like to see where the Council stands on this issue. She said she would like to see PAL's records to see why and how long they had been struggling financially.

Coun. Arnold said she read the e-mail and she agreed this would be worth looking into; she asked if the entire PAL program was closing or just the afternoon program.

Coun. Stanton said the after school program was being closed. She said the Boxing Program and All Stars Programs would continue because grant resources were available to fund the programs. She said she felt the after school program was the most critical for the community.

Chief of Staff Linda Adlard said the after school program was closed as of today. She said the Board would meet to make a final decision but she understood the Executive Director for PAL believes the program would not be sustainable at this time. She said PAL had some debt that needed to be handled and funding was needed. She said this program costs between \$400,000 - \$500,000 per year. She said she thought the Board's intention was to analyze the situation and see if they can find someone to help them for money was the issue.

Mayor Drake said Police Chief Bishop has been in contact with the executive director, and hopefully the Board will make some decisions next week.

Coun. Doyle said he would like to help for he did not want to abandon the organization. He said PAL provides a much needed resource to the community. He said financial help from the community was needed.

Coun. Stanton said in the 1990's the Beaverton Teen Center at the Community Center closed due to lack of funding. She said the Boys & Girls Club closed due to lack of community support. She said money had been the issue in Beaverton for these types of youth programs but she would keep trying. She said she would wait to hear what the PAL Board decides on Monday to see if there would be anything the City could do.

#### ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 10:30 a.m.

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Sue Nelson, City Recorder

#### APPROVAL:

Approved this      day of      , 2006.

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Rob Drake, Mayor

## **AGENDA BILL**

### **Beaverton City Council Beaverton, Oregon**

**SUBJECT:** Authorize a Transfer Resolution to Establish the Appropriation to Purchase, Recondition and Equip a Used Paving Machine from the City of Portland

**FOR AGENDA OF:** 03-20-06 **BILL NO:** 06046

**Mayor's Approval:**

**DEPARTMENT OF ORIGIN:** Operations

**DATE SUBMITTED:** 03-09-06

**CLEARANCES:** Purchasing  
Finance  
City Attorney

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Transfer Resolution

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$81,500	BUDGETED \$0-	REQUIRED \$81,500*

\* Funding to purchase and recondition the used paving machine is available from the Street Fund's Contingency Account and the necessary appropriation would be established through the attached Transfer Resolution.

### **HISTORICAL PERSPECTIVE:**

In FY 2002-03 an asphalt paving machine was purchased for use by City staff in restoring pavement surfaces on residential and low traffic volume collector streets. Staff has used that paving machine to install more than 10,000 tons of asphalt paving mix on more than 10 miles of road over the past 3 years. The size of the existing paving machine makes it particularly useful for residential and low traffic volume collector streets but not suitable for higher volume streets where production levels must be greater and the quality of the surface must be smoother for higher vehicle speeds. In conjunction with the use of contractors that provide pavement grinding services and trucking contractors that can deliver large quantities of asphalt mix to a paving site, re-surfacing higher volume collector and arterial streets is now possible using City staff. An analysis of the costs to complete a large street re-surfacing project using a combination of contracted services and city forces has determined that significant cost savings can be achieved. However, a larger paving machine equipped with more sophisticated electronic control systems that assure better vehicle ride quality is needed to allow staff to complete this type of work.

### **INFORMATION FOR CONSIDERATION:**

Fully equipped new paving machines of the type needed to complete pavement re-surfacing on major arterial streets cost nearly \$300,000. Limited numbers of used, reconditioned paving machines are available in the regional market for costs ranging from \$159,000 to \$180,000.

Staff recently learned that the City of Portland was replacing a 1997 Barber-Green BG210B paving machine with an accumulated 5,063 hours of use. After contacting the City of Portland and inspecting this paving machine, staff determined that it would be suitable for the City's use after some reconditioning and the purchase of some additional electronic control equipment. Following negotiations with the City of Portland, a purchase price of \$25,000 was set. The machine was then sent to Halton

**Agenda Bill No:** 06046

Tractor, an authorized service provider for a complete estimate of repairs necessary to recondition the unit. Halton Tractor has identified a total of \$43,000 in repair costs. The additional electronic control equipment (which can be used on both the Barber-Green paving machine and the City's smaller paving machine) will cost \$13,500. The total of all costs to acquire, recondition and equip this paving machine is \$81,500.

Funding to purchase, recondition and equip the paving machine is available from the Street Fund's Contingency Account and the attached Transfer Resolution establishes the necessary appropriation.

**RECOMMENDED ACTION:**

Council authorize the attached Transfer Resolution which provides the \$81,500 appropriation to acquire, recondition and equip a used paving machine from the City of Portland.

RESOLUTION NO. 3855

A RESOLUTION APPROVING TRANSFER OF  
APPROPRIATION WITHIN THE STREET FUND OF  
THE CITY DURING THE FY 2005-06 BUDGET YEAR  
AND APPROVING THE APPROPRIATIONS FOR THE  
FUND

**WHEREAS**, the City Council reviews and approves the annual budget; and,

**WHEREAS**, during the year the Council must authorize the transfers of appropriations from one category of a fund to another fund or from categories within a fund; and,

**WHEREAS**, an appropriation of \$81,500 is needed in the Capital Outlay Category of the Street Fund to purchase, recondition and equip a used paving machine from the City of Portland, and the expenditure appropriation is available in the Contingency Category of the fund; now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:**

Section 1. The Finance Director is hereby authorized and instructed to transfer the following appropriations:

- \$81,500 out of the Contingency Category of the Street Fund into the Capital Outlay Category as indicated below:

Equipment	101-85-0732-671	\$81,500
Contingency	101-85-0732-991	<\$81,500>

Adopted by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006

Ayes: \_\_\_\_\_


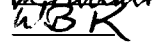
Nays: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

\_\_\_\_\_  
Rob Drake, Mayor

**AGENDA BILL****Beaverton City Council  
Beaverton, Oregon****SUBJECT:** Contract Award – Non-Discretionary  
Investment Advisory Services**FOR AGENDA OF:** 03-20-06 **BILL NO:** 06047**Mayor's Approval:** **DEPARTMENT OF ORIGIN:** Finance **DATE SUBMITTED:** 03/10/06**CLEARANCES:** Finance   
Purchasing   
City Attorney **PROCEEDING:** Consent Agenda  
(Contract Review Board)**EXHIBITS:** 1. Request for Proposal  
Document (Without  
Attachments)  
2. Ranking of the Nine  
Proposals  
3. Ranking of the Top Three  
Firms**BUDGET IMPACT**

EXPENDITURE REQUIRED \$-0*	AMOUNT BUDGETED \$-0*	APPROPRIATION REQUIRED \$6,334*
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\* Funding for the FY 2005-06 Expenditure Required would be offset from the investment interest earnings on the City's investment portfolio. The payment would be monthly based upon the value of the portfolio during the month and based upon a charge of .0012% on the first \$15 Million of the assets under management and .001% for amounts above the first \$15 Million. As an example if \$35 Million was the average portfolio value for the month, the monthly charge would be \$3,167 (the first \$15,000,000 times .0012% divided by 12 months plus the second \$20,000,000 times .001% divided by 12 months). The Appropriation Required of \$6,334 will be included in the next Supplemental Budget.

**HISTORICAL PERSPECTIVE:**

The City of Beaverton's investment portfolio is actively managed by the City's Finance Department Staff. On average, the City's investment portfolio has a value of approximately \$55 Million. The portfolio consists entirely of either short-term debt securities purchased by the City or funds invested with the State's Local Government Investment Pool (LGIP). As an example, the investment portfolio for the month ended February 2006 totaled \$52.6 Million and consisted of \$27.1 Million invested in 25 debt securities and \$25.5 Million invested in the LGIP.

With regard to the specific investment securities, State law (ORS 294-035) and the City's own Investment Policy permit the City to invest in only the following types of securities:

- General Obligations of the United States, the agencies and instrumentalities of the United States or enterprises sponsored by the United States Government. (US Treasury and Agency securities)
- Time Deposits, Certificates of Deposit and Savings Accounts in State of Oregon financial institutions.
- Bankers Acceptances
- State of Oregon Local Government Investment Pool
- Corporate indebtedness (Commercial Paper) of Oregon issuers
- Corporate indebtedness (Commercial Paper) of Non-Oregon issuers
- Interest Bearing Checking or Money Market Accounts



- Debt obligations of the agencies and instrumentalities of the State of Oregon and its political subdivisions.
- Debt obligations of the agencies and instrumentalities of the States of California, Idaho and Washington and the political subdivisions of those states.

The municipal investment community is currently trending towards contracting with an outside investment management company to manage municipal investment portfolios. There are two types of investment management services available to investors: discretionary and non-discretionary. Under discretionary investment management services, portfolio operational guidelines are established between the parties and the investment management company has full discretion to manage the portfolio in conducting investment purchases and sales. Under non-discretionary investment management services, portfolio operational guidelines are also established between the parties; however, the investment management company provides recommendations to the client for the client's approval; once approved, the investment management company conducts the investment transactions. In the City's local area, the City of Gresham, Tualatin Valley Water District, and City County Insurance Services have contracted with investment management companies for non-discretionary investment management services.

Although the City currently actively manages its investment portfolio, Staff recommends that the City consider non-discretionary investment advisory services for the following reasons:

- An investment advisor can purchase investments that will yield a higher rate of return than the City. When the City purchases an investment, it purchases them in the secondary market from an investment broker/dealer usually associated with a banking or investment institution. An investment advisor has sufficient market share to procure securities in the primary market at a lesser cost to the City resulting in a higher interest earnings rate.
- An investment advisor has market-place tools to better anticipate market trends in order to position the City's investment portfolio to respond to those market advantages.
- An investment advisor will monitor the investment market and the City's portfolio every day to take advantage of the market trends; whereas, the City manages its investment portfolio when securities mature or additional cash reserves are available for investment.
- The investment advisor will assist the City in establishing a separate third-party safekeeping account for all securities purchased. A third-party safekeeping account is an account where all securities are held in one location. Currently the City's purchased securities are held in trust for the City at each of the banking institutions or brokerage companies from which they were purchased. Establishing and using a third-party safekeeping account will better serve the City's needs.

The City developed the attached Request for Proposal to solicit responses for Non-discretionary Investment Management Services (Exhibit 1 copy attached). The major services referenced in the RFP are:

1. Provide full-time, non-discretionary management of the portion of the City's investment portfolio under advisement.
2. Assist City in establishing a safekeeping account and transferring existing investments to the safekeeping account and conduct all future investment purchases through the safekeeping account on a delivery versus payment basis.
3. Comply with all federal and State of Oregon laws and ordinances, resolutions and policies of the City of Beaverton.

4. Provide assistance in developing and implementing investment strategies that will maintain or enhance portfolio quality and performance within the parameters of the City's established investment policies and cash flow needs, taking into consideration our primary objective which is "the preservation of principal."
5. Work with City's cash management staff to assure coordination of investment trades, delivery of the securities and availability of funds. Assist with trade settlements. Obtain and document competitive prices for securities transactions. Provide technical and fundamental market research, including yield curve analysis.
6. Review and update the City's current investment policy.
7. After the investment policy is updated assist in the annual review and update of the City's Investment Policy. Assist in the review of investment management procedures and portfolio documentation, as well as safekeeping and custodial procedures.
8. Perform due diligence reviews of current and proposed broker/dealers and financial institutions. Monitor the creditworthiness of the financial institutions and security issuers from which the City purchases securities. Assist in keeping the authorized financial institution list updated. Monitor the creditworthiness of the City's depository and custodian bank and investments in the portfolio.
9. As of June 30<sup>th</sup> of each year, provide market value for our outstanding investments.
10. Provide detailed reports of investment portfolio activity and performance monthly. Include earnings and accounting methodology. Reports shall follow Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) true-value reporting. Provide separate semi-annual and annual portfolio performance reports.
11. Provide City staff with ongoing training and technical advice as needed.
12. Meet with and provide information to City staff as needed. Meet periodically with staff to review and refine portfolio strategy and performance.

**INFORMATION FOR CONSIDERATION:**

On August 2, 2005, the City issued and advertised a Request for Proposal for Investment Advisory Services with a response due date of September 6, 2005. Nine proposals were received by the response due date from the following firms:

1. MBIA (Municipal Bond Insurance Agency) Asset Management Group, of San Diego, California
2. DA Davidson, of Great Falls, Montana, & Portfolio Benchmark Advisors, of Portland, Oregon
3. PFM (Public Financial Management) Asset Management, LLC, of San Francisco, California
4. Chandler Asset Management, of San Diego, California
5. Seattle Northwest Asset Management, of Seattle, Washington
6. US Bank Institutional Trust and Custody, of Portland, Oregon
7. Voyageur Asset Management, Incorporated, of Minneapolis, Minnesota
8. First Southwest Company, of Dallas, Texas
9. Hammond Associates Institutional Fund Consultant, Incorporated, of St. Louis, Missouri

Staff evaluated the nine proposals and selected the top three firms to provide an onsite presentation to the City (see Exhibit 2 for matrix on the evaluation of proposals). The top three firms were:

1. MBIA Asset Management Group, of San Diego, California

2. Chandler Asset Management, of San Diego, California
3. PFM Asset Management, LLC, of San Francisco, California

The on-site presentations were held on February 2, 2006. A team of five staff members consisting of the Finance Director, Assistant Finance Director, Senior Accountant, Purchasing Agent, and a City Attorney evaluated the presentations. The on-site presentations were evaluated independently from the first scoring of the proposals. The rankings from the first scoring (Exhibit 2) did carry forward and were not considered in evaluating the on-site presentations. Based upon the on-site presentations, staff selected the firm of PFM Asset Management, LLC, of San Francisco, California as the firm that will best meet the City's requirements (see Exhibit 3 for the evaluation matrix).

The major evaluation components where PFM surpassed the other two firms were in the presentation:

- PFM solely serves the public sector. Both MBIA and Chandler have other non-public sector clients.
- PFM's services in establishing a third-party safekeeping account were superior to the services proposed and explained by both MBIA and Chandler.
- PFM demonstrated that they had researched the City's current operations (budget and financial statements) and understood the City's requirements above the levels of MBIA or Chandler.
- PFM's depth of staff assigned to the City and the services to be provided were superior to both MBIA and Chandler.

Under the RFP's cost proposal section, most of the responding firms (including PFM) quoted the cost of their services as a percentage of the average portfolio value (typically called the value of assets under management). PFM's pricing consists of two components:

- For the first \$15 Million of assets under management, the price is .0012% annually or .0001% on a monthly basis.
- For the amount of assets under management over the first \$15 Million, the price is .001% annually or .00008333% on a monthly basis.

The City anticipates that the monthly amount of assets under management will average between \$30 to \$40 Million depending upon the time of year and the amount of funds the City elects to retain in the LGIP. The following would be PFM's monthly costs for investment advisory services at various levels of assets under management:

- \$2,750 for \$30 Million in assets under management
- \$3,167 for \$35 Million in assets under management
- \$3,583 for \$40 Million in assets under management

Funding for the cost of investment management services would be offset from the interest earnings on the investments under management and an appropriation of \$6,334 will be included in the next Supplemental Budget to pay that cost. Staff recommends that the City enter into a contract with PFM Asset Management for non-discretionary investment advisory services. PFM Asset Management, LLC is a major firm in the industry with \$21 Billion in assets under management in 548 public sector portfolios and a staff level of 143. By comparison MBIA has \$51 Billion in assets under management in 163 public sector portfolios and 100 staff members and Chandler has \$2.5 Billion in assets under management in 38 public sector portfolios and 11 staff members.

**RECOMMENDED ACTION:**

Council, acting as Council Review Board, select the firm of PFM Asset Management, LLC, of San Francisco, California, for Non-Discretionary Investment Advisory Services and direct staff to enter into a contract with PFM in a form acceptable to the City Attorney.

# ***CITY OF BEAVERTON, OREGON***



## ***REQUEST FOR PROPOSAL FOR INVESTMENT ADVISORY SERVICES***

**DATE & TIME DUE: September 6, 2005 at 2:00 PM**

**Mayor**  
Rob Drake

**City Councilors**

Cathy Stanton

Betty Bode

Catherine Arnold

Fred Ruby

Dennis Doyle

***SUBMIT PROPOSAL TO:***

City of Beaverton  
Purchasing Division  
4755 SW Griffith Drive  
Beaverton, OR 97005  
503-526-2228



City of Beaverton, Purchasing Office  
4755 SW Griffith Dr.  
PO Box 4755  
Beaverton, Oregon 97076  
Phone – 503-526-2229/ Fax - 503-526-2490  
<http://www.beavertonoregon.gov>

TO: All Interested Parties

FROM: City of Beaverton, Purchasing Office

RE: **Instructions for obtaining solicitation documents and addendums  
from the City of Beaverton Web site**

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The City of Beaverton offers certain solicitation documents for downloading from the City's Web site. The City requires each prospective bidder or proposer downloading these documents to follow the specific requirements detailed below. If the potential bidder or proposer does not comply with these requirements they risk the possibility of not receiving a complete solicitation packet and may be deemed a non-responsive bidder.

Please note that the solicitation available for download is the original document released to the public.

Bidders may visit the City's Web site in order to "Register", to receive email notification of "Addendums" issued for a specific bid document. To receive automatic email notification of Addendums, please go to the Bid Registration System at [www.beavertonoregon.gov/bids](http://www.beavertonoregon.gov/bids). This site will allow you to register and then subscribe to the specific bid or proposal that you are downloading. Once you have subscribed for a specific bid or proposal you will receive an email notification of any addendums issued for that specific bid. Upon receipt of the email notification, bidders are responsible to download the document from the "Current Bid & Proposal Opportunities" site [www.beavertonoregon.gov/departments/finance/finance\\_bids.html](http://www.beavertonoregon.gov/departments/finance/finance_bids.html).

**CITY OF BEAVERTON  
REQUEST FOR PROPOSAL  
FOR  
INVESTMENT ADVISORY SERVICES**

The City of Beaverton is requesting proposals from qualified firms to provide investment advisory services. Firms are invited to submit a proposal outlining their experience and qualifications in performing work directly related to the services required.

Sealed proposals will be received until 2:00 P.M. on September 6, 2005, Terry Muralt, Purchasing Agent at 4755 SW Griffith Dr., Beaverton, Oregon 97076. There will be no formal opening. Facsimile proposals will not be accepted. Proposals will not be accepted after the stated opening date and time. Late proposals will be returned to the vendor unopened.

Proposal packets may be downloaded from [www.beavertonoregon.gov](http://www.beavertonoregon.gov) or may be obtained at the address listed above or by calling Terry Muralt at 503-526-2229.

Proposers are required to certify non-discrimination in employment practices, and identify resident status as defined in ORS 279.029. Pre-qualification of proposer is not required. All proposers are required to comply with the provisions of Oregon Revised Statutes and Beaverton's Purchasing Code.

The City of Beaverton reserves the right (1) to reject any or all proposal not in compliance with public bidding procedures, 2) to postpone award of the contract for a period not to exceed sixty (60) days from date of proposal opening, (3) to waive informalities in the proposals, and (4) to select the proposal which appears to be in the best interest of the City.

PUBLISHED: Daily Journal of Commerce  
DATE: August 2, 2005

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# **REQUEST FOR PROPOSAL FOR INVESTMENT ADVISORY SERVICES**

## **I. INTRODUCTION**

City of Beaverton, Oregon, has long been committed to excellence in fiscal administration, striving for the highest standards of performance and accountability. Because the responsibility for the safety and liquidity of governmental funds cannot be delegated to an investment advisor, the City is inviting competitive proposals from qualified and experienced investment advisory firms to assist with the management and performance of the City's investment portfolio by providing non-discretionary management of the portfolio. Non-discretionary management requires that the City maintain control of investments by requiring the advisor to obtain approval for all investment transactions. The object of requesting proposals is for the City to determine which institution can offer the highest quality of service at the most reasonable cost.

We encourage you to be creative and educational in your responses. While your format must be consistent with the requirements of the RFP, if you believe that your proposed solution or services would be beneficial to the City, we invite you to offer them.

## **II. TIMELINES**

### **A. Proposed Timelines**

August 2, 2005	Advertisement and Release of Proposals
September 6, 2005 at 2:00 P.M.	Deadline for Submission of Proposals
October 3 through 7, 2005	Interviews (if necessary)
November 7 or 14, 2005	Award of Contract by Contract Review Board
December 15, 2005	Commencement of Services

**NOTE:**      *The City reserves the right to modify this schedule at the City's discretion. Proper notification of changes will be made to all interested parties.*



### **III. SCOPE OF WORK**

#### **A. Summary of Services Required**

Contractor will provide the City of Beaverton with the following services:

1. Provide full-time, non-discretionary management of the portion of the City's investment portfolio under advisement. Presently, it is estimated that the advisor may manage approximately \$30 to \$45 million or more.
2. Assist City in establishing a safekeeping account and transferring existing investments to the safekeeping account and conduct all future investment purchases through the safekeeping account on a delivery versus payment basis.
3. Comply with all federal and State of Oregon laws and ordinances, resolutions and policies of the City of Beaverton.
4. Provide assistance in developing and implementing investment strategies that will maintain or enhance portfolio quality and performance within the parameters of the City's established investment policies and cash flow needs, taking into consideration our primary objective which is "the preservation of principal."
5. Work with City's cash management staff to assure coordination of investment trades, delivery of the securities and availability of funds. Assist with trade settlements. Obtain and document competitive prices for securities transactions. Provide technical and fundamental market research, including yield curve analysis.
6. Review and update the City's current investment policy (See Attachment "C").
7. After the investment policy is updated assist in the annual review and update of the City's Investment Policy. Assist in the review of investment management procedures and portfolio documentation, as well as safekeeping and custodial procedures.
8. Perform due diligence reviews of current and proposed broker/dealers and financial institutions. Monitor the credit worthiness of the financial institutions and security issuers with which the City does business. Assist in keeping the authorized financial institution list updated. Monitor the creditworthiness of the City's depository and custodian bank and investments in the portfolio.
9. At June 30<sup>th</sup> of each year, provide market value for our outstanding investments.
10. Provide detailed reports of investment portfolio activity and performance monthly. Include earnings and accounting methodology. Reports shall follow Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) true-value reporting. Provide separate semi-annual and annual portfolio performance reports.
11. Provide City staff with ongoing training and technical advice as needed.

12. Meet with and provide information to City staff as needed. Meet periodically with staff to review and refine portfolio strategy and performance.

## **B. General Information**

The City of Beaverton, Oregon was incorporated in 1893 and operates under the provisions of its own charter and applicable State law, with a Mayor-Council form of government. The Mayor is the Chief Executive of the City and chairs City Council meetings. The Mayor does not vote, except in the event of a tie. The Mayor may veto an ordinance or other legislative enactment; the Council may override the veto by a four-fifths vote. The City Council (the "Council") is comprised of five members. The Mayor serves a four-year term. The five Council members are part-time elected officials who exercise the legislative powers of the City and determine matters of policy. Beaverton has a population of 79,350 and is located approximately nine miles west of Portland, Oregon.

## **IV. PROPOSAL CONTENT AND FORMAT**

To provide a degree of consistency in review of the written proposals, please format your response in the following order.

1. Title Page  
Proposer should identify the RFP subject, name and title of contact person, address, telephone number, fax number, email address and date of submission.
2. Table of Contents  
The table of contents should include a clear and complete identification by section and page number of the materials submitted.
3. Transmittal Letter (Two pages)  
The letter should address the institution's willingness and commitment, if selected, to provide the services offered, and why the institution believes it should be selected. The letter should be addressed to Patrick O'Claire, Finance Director and signed by the Relationship Manager who would be assigned to the City's account. Please provide all contact telephone and fax numbers, e-mail addresses and addresses of your facility/facilities.

## **V. TECHNICAL SPECIFICATIONS AND FEATURES**

Please provide detailed information on the specifications and features of the proposed investment advisory services as listed below. Please provide answers in this format and as straightforwardly as possible.

1. List examples of your firms' cash management advisory services. State the dollar value of the assets and the number of portfolios the firm has under direct and continuous management, categorized between public sector and other clients.
2. Describe the firm's research capability and resources (e.g. Bloomberg, PMA Ratings, Sheshunoff Ratings, etc)

3. Identify the key personnel of your firm who would be directly involved in providing services to the City and provide professional credentials including licenses. Describe their relationship with your firm, their experience in the investment business, and specifically with public sector cash management and investments, and their years of service to your firm, identify the role they would play in this engagement.
4. Describe any Securities and Exchange Commission (SEC) regulatory censure or litigation related to services that your firm provides.
5. Provide a copy of the firm's most recent ADV, Part I and II (including Schedule 1), as on file with the Securities and Exchange Commission. Is the firm registered in the State of Oregon?
6. The successful proposer will be required to secure and maintain appropriate insurance coverage: Worker's Compensation, Professional Liability of \$5 million, Fidelity Bond of \$5 million, and General Liability of \$5 million. Proof of such coverage, in the form of a broker-issued certificate, must be received by the City prior to the beginning of the contract date.
7. Can your firm provide proof of coverage in the form on certificates of insurance for these dollar amounts?
8. Proposers must have experience in providing investment advisory services for other large institutions, preferably cities and local governments. Submit the names of five clients that may be contacted as references, two of which have been clients for at least three years. Include the name of the company, address, and contact name and telephone number for each.
9. Provide performance statistics on investment portfolios, currently under your management, which are similar to the City's portfolio. Describe how it was calculated and compare the industry averages or appropriate benchmarks
10. Describe your firm's investment management process. Describe the strategies that will be used to enhance the performance of the City's investment portfolio while complying with the City's investment policy.
11. Describe your firm's daily procedures for portfolio review, investment management and client contact.
12. Identify the types of securities held in your portfolios. Describe the types of investment research your firm uses and the methodology used to recommend investment decisions (including maturity and sector selections).
13. Describe the possible communications formats and include security techniques, including hardware and software discussion.
14. Submit samples of reports that would be provided and describe their frequency. Include methods and formulas used to calculate return and performance. Reports must be prepared in accordance with generally accepted accounting principles (GAAP) and in compliance with Governmental Accounting Standards Board (GASB) pronouncements, including GASB Statement 31.

15. How often would the representative from your firm meet with the City staff to review portfolio performance and revise investment strategies?
16. Does your firm offer reconciliation services for third party safekeeping? If yes, please describe and include a sample of your standard reports.
17. Describe your electronic reporting, file transmission and history retrieval.
18. Describe the transition/conversion and training processes that you would provide to the City.
19. What new services or features does the firm plan to offer in the future?
20. Discuss overnight investment options such as Sweep Accounts and Repurchase Agreement (REPO) that maybe available to maximize the City's earnings potential. If a REPO is proposed: discuss what agreement formats are acceptable.
21. Describe the method the financial institution utilizes for transfers to/from the State of Oregon Local Government Investment Pool (LGIP). Also discuss customized portfolio management services for cash reserves.
22. Provide a corporate overview of your financial institution, the year it was established, ownership, and any subsidiary and affiliate relationships relevant to this account: the type of services available and the size of staff.
23. Furnish disclosure statement of involvement in any civil or criminal litigation or investigation regarding your business practices during the past five years.

## **VI. COST PROPOSAL REQUIREMENTS FOR INVESTMENT ADVISOR**

Please provide detailed information of the non-discretionary management costs in the questions below. In order for City staff to adequately compare and evaluate proposals objectively, all proposals must address each question and be answered in simple and straightforward language.

1. Provide a non-discretionary fee schedule that would apply to the City's account. Describe the methodology used (e.g. flat fee, percentage of assets under management).
2. What expenses are covered under the non-discretionary fee schedule?
3. Identify any fees and expenses that would not be covered under this non-discretionary fee schedule which may be required by this RFP.
4. Indicate what direct costs the City would be responsible for in the conversion. Indicate what conversion costs, if any, would be absorbed by the firm as a start-up cost?

## **VII. PROPOSER MINIMUM QUALIFICATIONS**

Investment advisors wishing to submit proposals must meet or exceed the following criteria. Please respond to each of the nine criteria. Any exception to these criterion must be explained and will be subject to the City' approval.

1. Advisor shall be a Registered Investment Advisor as defined and regulated by the Securities and Exchange Commission (SEC) and shall be registered in the State of Oregon.
2. Investment service providers may include qualified banks that provide investment advisory services in the Pacific Northwest.
3. Advisor shall be completely independent of any financial institution or securities brokerage firm, or shall fully disclose any such relationships relevant to the firm's relationship to the City.
4. Advisor shall have a minimum of five years experience in managing government operating and construction bond proceeds.
5. Advisor shall have a minimum of \$1 billion dollars in assets under ongoing management.
6. Advisor must be knowledgeable of Oregon government investments statutes and become knowledgeable of the City of Beaverton's investment policy.
7. Advisor must meet the insurance requirements as set forth in this RFP.
8. All solicitations for securities from securities dealers must be affiliated with an Oregon bank or have an office located and be licensed in the State of Oregon.
9. All financial institutions, advisors and broker/dealers interested in supplying investment services must provide
  - a. audited financial statements for the previous two years,
  - b. proof of registration as a business in the State of Oregon,
  - c. certification of having read, understood and agreeing to comply with the City's investment policy, attached as Attachment "C" hereto.

## **VIII. PROPOSER'S SPECIAL INSTRUCTIONS**

### **A. General**

By submitting a proposal, the Proposer certifies that the Proposal has been arrived at independently and has been submitted without any collusion designed to limit competition.

### **B. Proposal Submission Requirements**

1. Submit a minimum of one original (hard copy) and one electronic of proposal.
2. To be considered each submittal shall contain the following:
  - a. Signed and Dated Signature Page - Attachment "A"
  - b. Acknowledgement that the City's Personal Service Contract is acceptable or includes exceptions
  - c. Order of proposal submission in Section IV – Proposal Content and Format
  - d. Responses to the Section V – Technical Specifications and Features
  - e. Responses to Section VI – Cost Proposal Requirements for Investment Advisor
  - f. Responses to Section VII – Proposer Minimum Qualifications

3. **Proposals and all amendments must be signed and submitted no later than 2:00 PM on September 6, 2005**, to the address below. Proposals must be submitted in a sealed envelope and designated with the proposal title. To assure that your proposal receives priority treatment, please mark as follows.

**Response to Request for Proposal - Investment Advisory Services**

Due: September 6, 2005 at 2:00 P.M. Pacific Standard Time

City of Beaverton

Terry Muralt, Purchasing Agent

4755 SW Griffith Dr.

Beaverton, OR 97076

**PROPOSERS SHALL PUT THEIR NAME, ADDRESS ON OUTSIDE OF ENVELOPE.**

It is the proposer's responsibility to ensure that proposals are received on or until the stated closing time. The City shall not be responsible for the proper identification and handling of any proposals submitted incorrectly. Late proposals, late modification or late withdrawals shall not be accepted after the stated proposal opening date and time and shall be returned unopened. **Facsimile or e-mail proposals shall not be accepted.**

**C. Submission and Signing of Proposals**

The submission and signing of a proposal shall indicate the intention of the firm to adhere to the provisions described in this RFP.

**D. Cost of Preparing a Proposal**

The RFP does not commit the City to paying any costs incurred by Proposer in the submission or presentation of a proposal, or in making the necessary studies for the preparation thereof.

**E. Interpretations and Addenda**

All questions regarding this project proposal shall be directed to Faye Rea at 503-526-2246 or email [frea@ci.beaverton.or.us](mailto:frea@ci.beaverton.or.us). If necessary, interpretations or clarifications in response to such questions will be made by issuance of an "Addendum" to all prospective Proposers within a reasonable time prior to proposal closing, but in no case less than 72 hours before the proposal closing. If an addendum is necessary after that time, the City, at its discretion, can extend the closing date.

**Proposers are responsible for checking for Addendums. Proposers may visit the City's website to "Register" to receive email notification of "Addendums" issued for a specific proposal document. Upon receipt of the email notification, the proposer is responsible to download the document from the "Current Bid & Proposal Opportunities" site [www.beavertonoregon.gov/bids](http://www.beavertonoregon.gov/bids).**

Any Addendum issued, as a result of any change in the RFP, must be acknowledged on Attachment "A" - "Signature Page" with proposal.

**Only questions answered by formal written addenda will be binding.** Oral and other interpretations or clarifications will be without legal effect.

#### **F. Project Administrator**

The Project Administrator will be Faye Rea at 503-526-2246 or email [frea@ci.beaverton.or.us](mailto:frea@ci.beaverton.or.us).

#### **G. Proposal Validity Period**

Each proposal shall be irrevocable for a period of ninety (90) days from the Proposal Opening Date.

#### **H. Form of Contract**

A copy of the standard "Personal Services" contract which the City expects the successful firm or individual to execute is included as **Attachment "B"**. The contract will incorporate the terms and conditions from this RFP document and the submitted proposal. **Proposers taking exception to any of the contract terms shall submit a request for change no later than 5 days before the deadline for submission of proposals or their exceptions will be deemed waived.**

#### **I. Term of Service**

The initial term of the service shall be one (1) year with an automatic renewal for four (4) additional one-year options. The maximum duration of the service may not exceed five (5) years.

#### **J. Public Records**

All proposal material submitted by proposer shall become the property of the city and a public record. During the evaluation and selection process, city shall treat proposal materials as exempt from public inspection. After the selection process is completed and notice of intent to award a contract has issued, city shall treat proposal materials as open to public inspection, unless exempt from public inspection by provision of applicable state or federal law. Information within a proposal that proposer considers a trade secret should be segregated and clearly identified as such. City shall treat such segregated and clearly identified trade secret information as exempt from public inspection at all times, including after notice of intent to award a contract has issued, to the extent permitted in the Oregon Public Records Law (ORS 192.410 to 192.505).

#### **K. Non-Discrimination and Affirmative Action Program**

The City of Beaverton is an equal opportunity employer and requires all contractors to comply with policies and regulations concerning equal employment opportunity.

The investment advisory service, in the performance of this Agreement, agrees not to discriminate in its employment because of the employee's or applicant's race, religion, national origin, ancestry, sex, age, or physical handicap.

#### **L. Disputes**

Should any doubt or difference of opinion arise between the City and a Proposer as to the items to be furnished hereunder or the interpretation of the provisions of this RFP, the decision of the City shall be final and binding upon all parties.

## **IX. PROPOSAL EVALUATION AND AWARD PROCEDURES**

### **A. Selection and Evaluation Process**

A selection committee consisting of city staff with relevant expertise in the subject matter of this solicitation will review submitted proposals. Committee members will evaluate proposals to determine which one best meets the needs of the city. Evaluation will be based on the following described criteria and methods.

Each selection committee member will use the following criteria listed in the table below to evaluate submitted proposals. Each evaluation criteria is given a maximum score, reflecting its importance in the city's selection process. The table below shows the evaluation criteria and maximum score relevant to this solicitation.

<b>Proposal Content and Evaluation Criteria</b>	<b>Maximum Score</b>
Signature Page – Attachment A	Pass/Fail
Transmittal Letter	Pass/Fail
Response to Technical Specifications and Features (Section V)	50
Qualifications (Section VII)	30
Cost of Services (Section VI)	20
<b>Maximum Points</b>	<b>100</b>

### **B. Interview**

At the city's option, the top three firms may be required to make a presentation of their proposal. This will provide an opportunity to clarify or elaborate on the proposal, but will not, in any way, provide an opportunity to change any fee amount originally proposed. The Project Administrator will schedule the time and location of these presentations (if necessary) and notify the selected firms.

Should the top three firms be selected for oral interviews, the invited firms will be evaluated based on the same criteria as outlined above. The firm with the highest point total resulting from any interview will be considered the best proposer. The points from the first evaluation will not be added to or otherwise made a factor in scoring of the second evaluation.

### **C. Investigation of References**

The City reserves the right to investigate references and the past performance of any proposer with respect to its successful performance of similar advisory services, compliance with specifications and contractual obligations, its completion or delivery of a project on schedule and its lawful payment of employees and workers.

### **D. Clarification of Proposals**

The City reserves the right to obtain clarification of any point in a firm's proposal or to obtain additional information necessary to properly evaluate or particular proposal. Failure of a Proposer to respond to such a request for additional information or clarification could result in rejection of the firm's proposal.



#### **E. Intent of Award**

Upon review of the proposals submitted, the City may negotiate a scope of work and Personal Service contract with one firm.

#### **F. Award Recommendation**

The Notice of Intent to Award shall be the City's recommendation contained in the agenda item published in the City's Council Agenda. Agendas for Council meetings are posted on the City website at: [www.beavertonoregon.gov](http://www.beavertonoregon.gov).

The decision by the Contract Review Board to award the contract shall constitute the final decision of the City to award the Contract.

#### **G. Proposal Rejection**

The City reserves the right:

- 1) To reject any or all proposals not in compliance with all public procedures and requirements;
- 2) To reject any proposal not meeting the specifications set forth herein;
- 3) To waive any or all irregularities in proposals submitted;
- 4) To reject all proposals;
- 5) To award any or all parts of any proposal; and
- 6) To request references and other data to determine responsiveness.

**City of Beaverton  
Schedule of Proposal Review & Ranking  
Investment Advisory Services**

**Exhibit 2**

	<b>Possible Points or Response</b>	<b>MBIA</b>	<b>DA Davidson</b>	<b>PFM</b>	<b>Chandler</b>	<b>SNW</b>	<b>US Bank</b>	<b>Voyageur</b>	<b>First Southwest</b>	<b>Hammond</b>
<b>Overall Ranking</b>		<b>1</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>8</b>	<b>7</b>	<b>5</b>	<b>6</b>	<b>9</b>
<b>Section IV</b>										
<b>Proposal Content and Format</b>										
1 Title Page	<b>Yes</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2 Table of Contents	<b>Yes</b>	Yes	Yes	Yes	Yes	Yes	Yes but minimal	Yes	Yes	Yes but minimal
3 Transmittal Letter (two pages)	<b>Pass or Fail</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Fail Letter was for State of Montana</b>
<b>Section VIII</b>										
<b>Proposer's Special Instructions</b>										
1 Submit a minimum 1 hard and 1 electronic copy.	<b>Yes</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2 To be considered each submittal shall contain the following:										
a Signed and Dated Signature Page - Attachment "A"	<b>Pass or Fail</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>	<b>Pass</b>
b Acknowledgement that the City's Personal Service Contract is <u>acceptable</u> or includes exceptions	<b>Yes</b>	Yes	Use their standard contract	Yes	Yes	16 changes to the contract	Did not address	Did not address	Did not address	Did not address
c Order of proposal submission in Section IV – Proposal Content and Format	<b>Yes</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Response to another RFP
d Responses to the Section V – Technical Specifications and Features	<b>Yes</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Response to another RFP

**City of Beaverton  
Schedule of Proposal Review & Ranking  
Investment Advisory Services**

**Exhibit 2**

	<b>Possible Points or Response</b>	<b>MBIA</b>	<b>DA Davidson</b>	<b>PFM</b>	<b>Chandler</b>	<b>SNW</b>	<b>US Bank</b>	<b>Voyageur</b>	<b>First Southwest</b>	<b>Hammond</b>
e Responses to Section VI – Cost for Proposal Requirements for Investment Advisor	<b>Yes</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Response to another RFP
f Responses to Section VII – Proposer Minimum Qualifications	<b>Yes</b>	Yes	Yes	Yes though only one page	Yes	Yes	Yes but minimal responses	Yes	Yes	Response to another RFP
<b>Section V</b>										
<b>Technical Specifications and Features</b>	<b>50.00</b>	<b>45.00</b>	<b>35.00</b>	<b>45.00</b>	<b>40.00</b>	<b>28.00</b>	<b>30.00</b>	<b>40.00</b>	<b>38.00</b>	<b>0.00</b>
<b>Section VI</b>										
<b>Cost Proposal Requirements</b>	<b>20.00</b>	<b>15.51</b>	<b>19.75</b>	<b>7.25</b>	<b>8.01</b>	<b>1.25</b>	<b>0.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Section VII</b>										
<b>Proposer Minimum Qualifications</b>	<b>30.00</b>	<b>28.00</b>	<b>15.00</b>	<b>24.00</b>	<b>26.00</b>	<b>15.00</b>	<b>20.00</b>	<b>25.00</b>	<b>24.00</b>	<b>0.00</b>
<b>Total Scoring</b>	<b>100.00</b>	<b>88.51</b>	<b>69.75</b>	<b>76.25</b>	<b>74.01</b>	<b>44.25</b>	<b>50.50</b>	<b>65.00</b>	<b>62.00</b>	<b>0.00</b>
<b>Overall Ranking</b>		<b>1</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>8</b>	<b>7</b>	<b>5</b>	<b>6</b>	<b>9</b>
<b>Sample Annual Costs Based Upon Various Portfolio Sizes</b>										
30 Million Portfolio		\$ 27,000	\$ 28,000	\$ 33,000	\$ 33,000	\$ 42,000	\$ 45,000	\$ 70,000	\$ 80,000	\$ 90,000
35 Million Portfolio		\$ 30,500	\$ 28,000	\$ 38,000	\$ 37,500	\$ 49,000	\$ 52,500	\$ 77,500	\$ 80,000	\$ 97,500
40 Million Portfolio		\$ 34,000	\$ 28,000	\$ 43,000	\$ 42,000	\$ 52,000	\$ 60,000	\$ 85,000	\$ 80,000	\$ 105,000
45 Million Portfolio		\$ 37,500	\$ 28,000	\$ 48,000	\$ 46,500	\$ 58,500	\$ 67,500	\$ 92,500	\$ 80,000	\$ 112,500

**City of Beaverton**  
**Ranking of Top Three Firms**  
**On-site Presentation on Request for Investment Advisory Services**

	Maximum Points	PFM	Chandler	MBIA
Technical Specifications				
Preparedness of Presentation Materials and General RFP Responsiveness	15	15	11	10
Express Knowledge of City's Operations	15	15	9	10
Understanding of City's Requirements	10	10	8	8
Qualifications of Staff and Services Provided to City Staff	10	10	7	7
	<u>50</u>	<u>50</u>	<u>35</u>	<u>35</u>
Proposer Minimum Qualifications				
Experience of Organization	10	10	8	10
Depth of Organization	10	10	6	9
Meets or Exceeds Insurance Requirements	10	10	5	10
	<u>30</u>	<u>30</u>	<u>19</u>	<u>29</u>
Cost Proposal				
Cost	20	12	13	20
	<u>100</u>	<u>92</u>	<u>67</u>	<u>84</u>

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Exemption From Competitive Solicitation - Award Contract for Voice Over Internet Protocol (VoIP) Equipment and Implementation Services Through the State of Oregon Price Agreement Number 1055

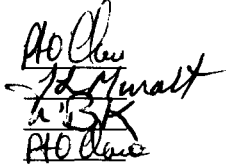
**FOR AGENDA OF:** 03-20-06 **BILL NO:** 06048

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Finance 

**DATE SUBMITTED:** 03/03/06

**CLEARANCES:** Finance  
Purchasing  
City Attorney  
ISD



**PROCEEDING:** Consent Agenda

**EXHIBITS:** Agenda Bill 05150

### BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 15,900 FY 2005-06	BUDGETED \$32,000*	REQUIRED \$-0-*
\$ 90,000 FY 2006-07	\$-0-	\$90,000*
\$ 84,300 FY 2007-08	\$-0-	\$83,400*

\* Funding for the FY 2005-06 Expenditure Required is available within the General Fund's Non-Departmental Program's existing appropriations in the city-wide communications budget 001-13-0003-341. Funding for the future year's expenditures will be included in subsequent fiscal year budgets subject to the Council's final approval of appropriation for each budget year.

### HISTORICAL PERSPECTIVE:

The City of Beaverton's telephone system is approximately 20 years old and is at the stage where the majority of spare parts that are required to maintain the system are refurbished. The City will need to replace this system due to its eventual obsolescence.

In August 2005, the City was awarded \$34,324 in grant funding from the Metropolitan Area Communications Commission (MACC) to purchase core communications equipment that would lay the foundations to provide Voice over Internet Protocol (VoIP) telephony that could eventually replace our current telephone system (refer to Agenda Bill 05150 copy attached). In September 2005, the City initiated a pilot project to evaluate (VoIP) telephony. The pilot consists of 37 telephones at the following locations:

City Hall	15
Operations	1
City Library	1
BPD Property Evidence	5
Emergency Operations Center	15

The pilot project was successful and the City has determined that VoIP is the technology that would be most appropriate to replace the current telephone system. In today's market place, VoIP phones and phone systems are virtually the only technology now being installed as corporation and public agencies move from analog towards digital technology. The City plans to implement the VoIP project in three phases over the remainder of this fiscal year through the next two fiscal years as follows:

**Ag nda Bill No:** 06048

- Phase 1 is to convert the Operations Complex which consists of 32 telephones, 3 fax analog adapters, additional switch gear, and consultant support at an estimated cost of \$15,900. This phase will be completed this fiscal year and the funding is available within the General Fund's Non-Departmental Program's existing appropriations in the city-wide communications budget.
- Phase 2 is to convert the Library Building which consists of 46 telephones, 6 fax analog adapters, additional switch gear and consultant support at an estimated cost of \$32,810. This phase will be completed in FY 2006-07 and the funding will be included in the proposed FY 2006-07 Budget.
- The final phase is to convert the City Hall Building which consists of 296 telephones, 12 fax analog adapters, additional switch gear and consultant support at an estimated cost of \$141,490. This phase is expected to be accomplished over two fiscal years FY 2006-07 and F 2007-08 and the funding will be included in those proposed budgets.

**INFORMATION FOR CONSIDERATION:**

VoIP equipment and implementation services are available through Qwest located in Portland, Oregon, under Price Agreement Number 1055 through the State of Oregon. Oregon law and the City's Purchasing Code permit an exemption from competitive solicitation if the purchase is made from an existing price agreement with another governmental agency. Staff has reviewed the pricing structure under the Price Agreement and has found the prices competitive in the industry. In addition Qwest has supported the City's existing telephone switch and systems for the past 20 years and this experience will be invaluable as the City converts to the new VoIP system.

**RECOMMENDED ACTION:**

Council, acting as Council Review Board, authorize the selection of Qwest, of Portland, Oregon, for VoIP equipment and implementation services under the State of Oregon Price Agreement.

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

**SUBJECT:** Acceptance of Grant Award from the Metropolitan Area Communications Commission and Authorize Appropriations Through a Special Purpose Grant Budget Adjustment Resolution

**FOR AGENDA OF:** 08/15/05 **BILL NO:** 05150

**Mayor's Approval:** *[Signature]*

**DEPARTMENT OF ORIGIN:** Finance *[Signature]*

**DATE SUBMITTED:** 08/05/05

**CLEARANCES:** Finance *[Signature]*  
Info. Systems *[Signature]*  
City Attorney *[Signature]*

**PROCEEDING:** Consent Agenda

**EXHIBITS:** Special Purpose Grant Budget Adjustment Resolution  
Grant Award Notification From MACC

### BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$34,324	BUDGETED \$0*	REQUIRED \$34,324*

\*The Appropriation Required is funded by a grant award from the Metropolitan Area Communications Commission and will be established through the attached Special Purpose Grant Budget Adjustment Resolution.

### HISTORICAL PERSPECTIVE:

The City of Beaverton has been awarded three Metropolitan Area Communications Commission (MACC) grants. MACC grants were established to assist local agencies to create interlinked, high-speed, wide area networks in the MACC area. The City submitted the following grant requests

- 1) \$18,757 PCN (Public Communications Network) Installation at Hanson Well.
- 2) \$6,927 VoIP (Voice over Internet Protocol) Telephony for Police Evidence Building.
- 3) \$8,640 927 VoIP (Voice over Internet Protocol) Telephony for Emergency Operations Center (EOC).

Based upon MACC's Notification Letter (copy attached), the City was awarded all three of the grant requests.

### INFORMATION FOR CONSIDERATION:

The following is a further description of the grant requests.

- 1) PCN Installation for Hanson Well – The City's Engineering Water Department plans to move its telemetry equipment from the Operations building to the Hanson Well Site, which will also control the new ASR No. 4 Well (Aquifer Storage and Recovery). To best facilitate these changes, the Hanson Well Site should be connected to the City's PCN network. The PCN network is administered by Comcast and provides data communications between all of the City buildings (City Hall, Library, Operations, and the Community Center).
- 2) VoIP Telephony for Police Evidence Building – The telephones at this facility use leased circuits to connect to the main telephone switch at City Hall. The audio quality of these leased circuits is poor, and they cannot provide many of the features that are available through the City's standard telephone system such as voice mail, transfer and forwarding, and speed dialing. Converting this site to VoIP telephones will eliminate the leased circuit costs and provide the additional features.

Agenda Bill No: 05150

- 3) VoIP Telephony for EOC – The EOC uses a number of CentraNET Telephone lines for voice communications. CentraNET is a service offered by the telephone company that allows a number of standard telephones to act as a group (pseudo telephone switch). CentraNet was chosen because it has the advantages of a telephone switch and would be independent of the main telephone switch that is located at City Hall if it were to fail. The disadvantages are that the City pays monthly charges for a system that is infrequently used and does not readily interact with the main telephone switch. Moving to VoIP will give the City the advantages of CentraNET (autonomous system) with the added advantage of being fully integrated with, yet independent of, the City Hall main telephone switch.

**RECOMMENDED ACTION:**

Council accept the \$34,324 special purpose grant award from MACC for upgrading the City's network and telephone systems and approve the attached Special Purpose Grant Budget Adjustment Resolution, which appropriates the grant funding.



RESOLUTION NO. 3827

**A RESOLUTION APPROVING THE ACCEPTANCE OF A  
SPECIFIC PURPOSE GRANT AND THE ASSOCIATED  
APPROPRIATIONS IN THE INFORMATION SYSTEMS FUND  
OF THE CITY DURING THE FY 2005-06 BUDGET YEAR AND  
APPROVING THE APPROPRIATIONS FOR THE FUND**

**WHEREAS**, the City Council reviews and approves the annual budget; and,

**WHEREAS**, during the year the Council may authorize the acceptance of special purpose grant funds and the associated appropriations through a special purpose grant budget adjustment resolution; and,

**WHEREAS**, a Special Purpose Grant from the Metropolitan Area Communications Commission was awarded in the amount of \$34,324, and the Council desires to appropriate the grant award in the Information Systems Fund; now therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON, OREGON:**

Section 1. The Finance Director is hereby authorized and instructed to adjust the Information Systems Fund Budget to reflect receipt of the special purpose grant revenue and the associated appropriations:

Information Systems Fund

Revenues:

Intergovernmental Revenue	603-03-0000-329	\$34,324
---------------------------	-----------------	----------

Expenditures:

Computer Equipment	603-30-0713-317	\$18,757
--------------------	-----------------	----------

Equipment	603-30-0713-671	\$15,567
-----------	-----------------	----------

Adopted by the Council this \_\_\_\_ day of \_\_\_\_\_, 2005.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2005.

Ayes: \_\_\_\_

Nays \_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Sue Nelson, City Recorder

\_\_\_\_\_  
Rob Drake, Mayor

Resolution No. 3827

Agenda Bill: 05150

# MACC

## METROPOLITAN AREA COMMUNICATIONS COMMISSION

REPRESENTING THE COMMUNITIES OF BAINBURN, BEAVERTON, CORVALLIS, DURHAM, FOREST GROVE, GASTON, HILLSBORO, NEW CITY, LAKE OSWEGO, NORTH PLAIN, RIVERCROVE, TIGARD, TUALATIN, AND WASHINGTON COUNTY

Cable TV Franchise Regulation • Telecommunications Advice and Support • Public Communications Network (PCN)

July 5, 2005

Mr. Brian Douglas  
City of Beaverton  
PO Box 4755  
Beaverton, Oregon 97223-4755

Dear Mr. Douglas:

We are pleased to inform you that the Commission awarded your organization \$ 34,324 for PCN Installation at Hanson Well, VoIP Telephony for Police Evidence Building, and VoIP for the Emergency Operations Center at their meeting on June 22 2005:

Prior to MACC's distribution of these funds, the following conditions must be met:

1. The enclosed PEG/PCN Grant Fund Agreement (hereafter "Agreement") must be signed by the appropriate party and returned to MACC no later than July 31, 2005; and
2. Your organization must provide MACC with all required reports for any previously awarded PEG/PCN Grants.

Note: If you fail to complete the conditions listed above by July 31, 2005, MACC will rescind the grant and return the funds to the MACC PEG/PCN Grant Fund, to be available for applications in the next grant cycle.

Once these conditions are met, we will send a check within fifteen (15) working days. In accordance with Section B of the Agreement, your organization will have 12 months to spend these funds (Section B.1.).

MACC monitors the ongoing use of grant funds, and therefore, may contact you to provide specific information that may include, but is not limited to, budget reports, proposal overviews, and/or other financial and technical information related to grant expenditures. MACC also reserves the right to audit the expenditure of your grant award, including the process used by your organization to select competitive bids for consultants, suppliers, and contractors.

Each grant recipient is required to provide MACC with a final report upon completion of your project and no later than thirty (30) days after the end of the Grant Expenditure Period (Section B.1 of the Agreement). We may also ask for your participation with MACC to promote and publicize the grant awarded your organization at any time.

Thank you for your participation in the PEG/PCN Grant Program. We wish great success for your project and hope that this grant contributes to its success.

Please call Greg, or me, if you have any questions, or if we can assist you further.

Sincerely,



Bruce Crest  
MACC Administrator

C: MACC Commissioners  
MACC Staff

Encl

## **PEG/PCN GRANT FUND AGREEMENT**

This Agreement is entered into by and between the Metropolitan Area Communications Commission (hereinafter "MACC"), an intergovernmental commission of Oregon local governments, and the City of Beaverton (hereinafter "Recipient").

MACC has obtained funding pursuant to a cable franchise granted to Comcast Cable, which has been used to establish a grant program for the support of Public, Educational, and Government (PEG) programming and to promote the use of the Public Communications Network (PCN); and

The Recipient applied for a grant pursuant to the application process established by MACC and is eligible to be awarded a grant based on its status as a PCN User or Designated Access Provider (DAP); and

The MACC Board of Commissioners has approved a grant award to Recipient subject to compliance with the grant program and signing of this Agreement in the amount of

- \$ 18,757 for PCN Installation at Hanson Well (as described in the Summary of Grant Recommendations).
- \$ 6,927 for VoIP Telephony or Police Evidence Building
- \$ 8,640 for VoIP telephony for Beaverton Emergency Operations Center

Therefore, in mutual consideration of the promises and benefits made and conferred in this Agreement, the parties agree as follows:

### **I. General Terms and Conditions**

- A. Recipient shall comply with all applicable laws, ordinances, rules, regulations, policies, and resolutions under all federal, state, local, and jurisdictional purview.
- B. Recipient shall comply with all applicable guidelines within the purview of the recipient jurisdiction or agency involving purchasing, contracting, professional services agreements, bidding, proposal requests, and any other matter related to the receipt and expenditure of grant proceeds.
- C. Recipient shall agree that these funds will not be used in a way that would benefit those outside the MACC service area.

Grant funds shall not be transferred to another entity, nor used in a manner inconsistent with the purpose(s) expressed in the grant application.

### **II. Timeline for Expenditure of Funds**

- A. The twelve (12) month Grant Expenditure Period of agency's Awarded Grant:  
**Begins: July 1, 2005      Ends: June 30, 2006**

- B. Grants awarded for a single grant cycle must be spent within the Grant Expenditure Period.**
- C. Awards for more than one grant cycle must include specific plans for detailed annual expenditures for each fiscal year of the grant. All funds provided in this manner must be spent by the end of the identified grant period.**
- D. Recipients requiring additional time beyond the Grant Expenditure Period must submit a request to MACC in the following manner:**
  - (1) The written request (no e-mail or fax) must be received by MACC at least sixty (60) days prior to the end of the Grant Expenditure Period. The MACC Commission will consider the request and notify the Recipient at least ten (10) days prior to the Grant Expenditure Period (GEP).**
  - (2) The request shall explain:**
    - The additional time needed to complete the awarded grant.**
    - The reason for the additional time or cause for delay in completion the project.**
    - Plans for project completion during the time extension.**

### **III. Financial Report Required - Accounting**

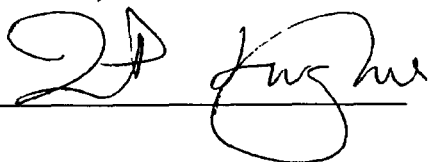
- A Reporting Requirements. Recipient shall report to MACC, in writing, no later than 30 days following the end of the GEP as described in Section B,. The report shall include a specific statement describing each expenditure in sufficient detail to enable MACC to determine compliance with the grant awarded, applicable grant guidelines and legal requirements, and the total amount expended by the recipient.**
  - B. Reconciliation of actual costs. Grants funds that are awarded, but not used within the required timeline, shall be returned to MACC within 30 days of the end of the Grant Expenditure Period.**
    - (1) If actual costs are lower than the amount of the grant awarded, the Recipient must return any and all unused funds to MACC within 30 days of payment of all invoices.**
    - (2) If the project is postponed or abandoned:**
      - Within thirty (30) days of the earliest of the following:**
        - a. The decision to postpone or abandon the project;**
        - b. The end of the GEP; or**
        - c. All invoices have been paid,**
- Recipient must:**
- i. Return any and all unused funds to MACC;**
  - ii. Provide MACC with a complete list of all materials purchased with the grant funds;**

By signing below, the undersigned acknowledges and accepts all terms and conditions contained in this Agreement, based on the grant application, and applicable grant funding guidelines and legal requirements. The undersigned further represents that he/she is authorized to bind the grant recipient:

**Recipient:**

DAVID HUGHES  
Name (Please Print)

I. S. MANAGER  
Title

  
Signature

7/21/05  
Date

**Accepted by MACC:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Metropolitan Area Communications Commission  
1815 NW 169<sup>th</sup> Place, Suite 6020  
Beaverton, OR 97006

Web Page Address: [www.maccor.org](http://www.maccor.org)

Telephone Number: (503) 645-7365

FAX (503) 645-0999

## **AGENDA BILL**

**Beaverton City Council  
Beaverton, Oregon**

**SUBJECT:** Public Hearing on Biggi Investment  
Partnership Measure 37 Claim.

**FOR AGENDA OF:** 03-20-06 **BILL NO:** 06049

**Mayor's Approval:**

**DEPARTMENT OF ORIGIN:**

City Attorney

**DATE SUBMITTED:**

03-08-06

**CLEARANCES:**

CDD/Develop Srvc

**PROCEEDING:** Public Hearing

**EXHIBITS:** Map

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

### **HISTORICAL PERSPECTIVE:**

Steve Biggi, the property owner of 3661-3775 SW Hall Boulevard and 3720 SW Cedar Hills Boulevard (also known as TLID#s 1S109DD00105, 00107 and 00109 respectively) has filed a claim for compensation under the provisions of Ballot Measure 37. In the claim, Mr. Biggi states that the City owes Mr. Biggi a total of \$1,767,125.00 for the imposition of land use restrictions on these properties. Specifically, the claim states that imposition of Clean Water Services regulations on the property reduces the value of the property by \$772,125.00 and the imposition of City zoning regulations concerning building orientation, flood plain restrictions, use limitations and sidewalk requirements reduces the value of the property by \$995,000.00. Beaverton Municipal Code Section 2.07.001 et seq. establishes the procedures for processing Ballot Measure 37 claims. This claim was stayed during the Supreme Court's review of Ballot Measure 37.

### **INFORMATION FOR CONSIDERATION:**

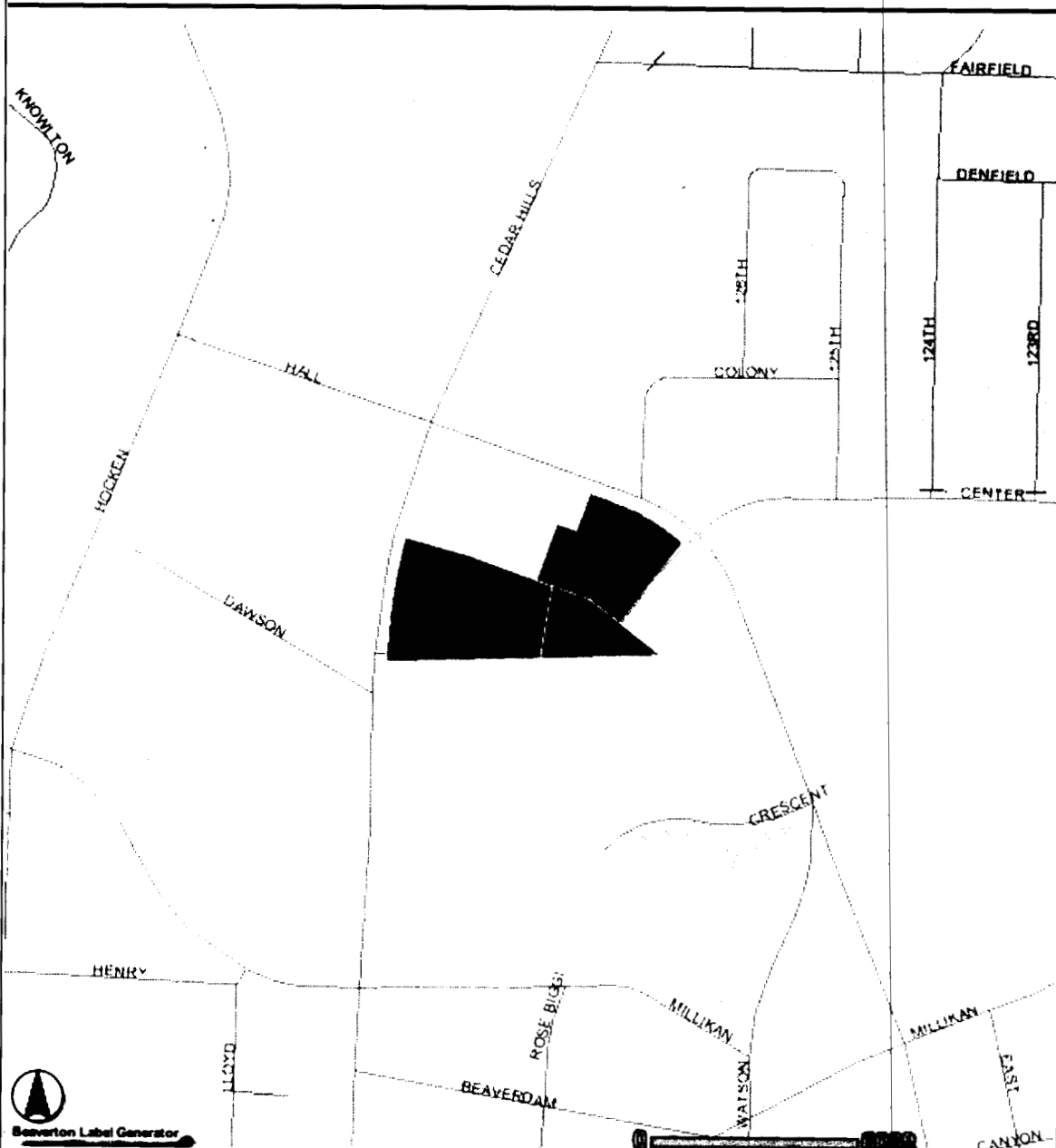
The Supreme Court determined that Ballot Measure 37 was constitutional. Thus, this claim was scheduled for this hearing. In the interim, the parties met to discuss a potential resolution of the claim. Those discussions are ongoing. As such, the claimant has agreed to a stay of the proceedings for 45 days to determine if the claim can be amicably resolved.

### **RECOMMENDED ACTION:**

Continue this hearing until May 15, 2006.

Exhibit Name:DETAIL MAP

Exhibit Number: 1



**Project: BIGGI CLAIM**

**Department: COMMUNITY DEVELOPMENT**  
**Division: Development Services**

Date: 02/23/06

Map Number

1S109DD00105

1S109DD00107

1S109DD00109

Application #

M372005-0001

N

**AGENDA BILL**  
**Beaverton City Council**  
**Beaverton, Oregon**

**SUBJECT:** An Ordinance Amending Chapter 5.05  
of the Beaverton Code, Regarding  
Vacant Buildings

**FOR AGENDA OF:** 3-20-06 **BILL NO:** 06050

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** Code Services 

**DATE SUBMITTED:** 03-06-06

**CLEARANCES:** City Attorney   
CDD/Building 

**PROCEEDING:** First reading

**EXHIBITS:** Ordinance

**BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

**HISTORICAL PERSPECTIVE:**

The City frequently receives complaints about properties that are not being maintained to meet the standards of the community. These complaints commonly focus on overgrown vegetation or the accumulation of rubbish, subjects that are already covered by sections of the Beaverton Code.

Occasionally, the complaint is about an "abandoned building". The Beaverton Code does not define an abandoned building, and the standards of the community regarding how buildings like this should be maintained have never been specified.

There are closely related sections in the Beaverton Code, including section 5.05.080 *Attractive Nuisances*, and 8.03.010 *Dangerous Buildings*, but neither are adequate to address buildings that are not yet dangerous but are considered to be neighborhood nuisances. If and when a building becomes dangerous, the Abatement of Dangerous Buildings Code has provisions to address remediation by repair or removal of the building.

**INFORMATION FOR CONSIDERATION:** Many cities have ordinances that address vacant nuisance buildings, and there are many different names for them, including:

- Boarded-up Buildings (Spokane)
- Derelict Structures (Tigard)
- Neglected houses (San Jose)
- Vacant Buildings (Seattle, SeaTac)
- Vacant houses (San Jose)
- Vacant Structures (Sherwood)
- Unkempt Properties (Arlington, VA)



After reviewing many of these ordinances and definitions, “vacant buildings” was chosen as the term that best describes the type of nuisance structures this new ordinance is intended to address. The problems we experience usually are not with buildings that are “abandoned”; meaning the owner has deserted, forsaken or ceded the ownership interest; but rather with buildings that are vacant and allowed to become a nuisance because of insufficient maintenance. Because the property is vacant, the owner or landlord is not receiving rental income, so expenditures for maintenance are reduced or eliminated to cut costs. The owners may be located out-of-town, or ownership may vest in a bank or finance company that acquired the property through foreclosure. Regardless of who owns the property, the standards of the community need to be established and enforced to reduce future deterioration of the subject property, urban blight, criminal activity, reductions in property values, and safety hazards.

The proposed ordinance defines a “vacant building” and describes at what point a vacant building becomes a nuisance. It creates minimum maintenance standards for vacant properties, and holds the property owners responsible for adhering to those standards. Finally, the proposed ordinance specifies that the nuisance conditions described can be abated by the City, with the costs of such abatements billed to the property owner.

**RECOMMENDED ACTION:**

First reading.

ORDINANCE NO. 4386

AN ORDINANCE AMENDING THE NUISANCE CODE, CHAPTER 5.05 OF THE  
BEAVERTON CODE, REGARDING VACANT BUILDINGS

WHEREAS, the City receives complaints about vacant buildings within the city limits from time to time and has identified several vacant buildings that have become a nuisance, and

WHEREAS, vacant buildings that are allowed to become a nuisance may adversely affect property values and the quality of life in neighborhoods, and

WHEREAS vacant building that are not maintained so as to reduce the appearance of vacancy and kept secure from unauthorized entry may attract vandals, trespassers and others with no legitimate interest in the neighborhood, and

WHEREAS, vacant buildings can become a threat to public safety if they are not secured from unauthorized entry and protected against weathering due to the increased potential for arson, the potential for structural deterioration and subsequent risk of premature structural collapse in the event of a fire, now, therefore,

BE IT ORDAINED BY THE CITY OF BEAVERTON,

**Section 1.** The Beaverton Code is amended in Chapter 5 by adding the following sections.

5.05.081 Vacant Buildings.

A. Definition. "Vacant building" as used herein means a building, or substantial portion thereof, that is unoccupied or has not actively been furnished and so used as a place of business or residence for more than 60 days. This includes manufactured housing and mobile homes, whether located in a mobile home park or not. A vacant building also includes any building under construction where no substantial work has taken place for more than 180 days. "Vacant building" does not include a building designed for storage, intermittent or similar types of use, if such building is secure from unauthorized entry, in good repair and does not otherwise constitute a nuisance.

B. A vacant building, including adjoining yard areas, shall be maintained free of debris, garbage, graffiti, litter, portable toilets, rodents and standing water.

C. A vacant building shall be kept secure from the unauthorized entry of persons by any effective methods. The following methods are deemed per se effective:

1. Windows and doors with intact glass or panels and functional locking mechanisms that are kept locked.
2. Exterior doors secured from the interior of the building by nailing or screwing to the doorframe at distances no greater than six inches on center.

3. Intact walls and roof structures with no openings large enough for a person to enter.

4. Openings lacking intact glass or panels that are in the basement or foundation, ground floor doors and windows, and any point of entry accessible from a porch, fire escape or other potential climbing point; providing resistance to entry equivalent to or greater than that of:

i) a solid sheet of ½” CDX plywood,

ii) cut to completely cover the opening,

iii) if possible, recessed into the opening to reduce the possibility of prying it off and if not possible to recess, then reinforced with 2 x 4 braces on the inside and outside, secured with 3/8” rounded head carriage bolts, nuts and washers; with the rounded head on the weather side; as described in the National Arson Prevention Initiative’s “Board Up” procedures,

iv) securely fastened by nails or screws no greater than twelve inches on center along each edge and within four inches of each corner, and

v) painted so as to minimize the appearance of vacancy and to provide protection from weather deterioration.

5. Openings lacking intact glass or panels; located ten feet or more above any grade, porch, fire escape or other potential climbing point; providing resistance to entry equivalent to or greater than that of:

i) a solid sheet of ½” CDX plywood,

ii) cut to completely cover the opening,

iii) recessed into the opening to reduce the possibility of prying it off, if possible,

iv) securely fastened by nails or screws no greater than twelve inches on center along each edge and within four inches of each corner, and

v) painted so as to minimize the appearance of vacancy and to provide protection from weather deterioration.

D. If windows, doors, or other openings of a vacant building are covered over with boards or panels, they must be maintained in a way that reduces the appearance of vacancy and protects the structure from weathering by painting in a color matching the rest of the structure or other reasonably equivalent protective and aesthetic measures.

E. If an address has been assigned, a vacant building shall display address numbers on the exterior of the building that are plainly visible from the street.

F. A vacant building that is not maintained according to the requirements of this section, or that has repeatedly been entered by unauthorized persons, or is allowed to be unsecured or open to entry by unauthorized persons, is declared a public nuisance and subject to abatement. Such abatement may include, without limitation,

1. Measures to secure the building against unauthorized entry.
2. Painting to reduce the appearance of vacancy and provide protection from weathering.
3. Removal of debris, garbage, graffiti, litter, portable toilets, rodents and standing water.

All costs incurred for abatement may be assessed against the owner of the property.

G. A vacant building that has repeatedly been entered by unauthorized persons, or is allowed to be unsecured or open to entry by unauthorized persons may be subject to the requirements of BC Chapter 8.03 Abatement of Building Nuisances.

H. It shall be a Class 1 Civil Infraction for any owner or person in charge of property to allow a vacant building to become a public nuisance, to fail to keep a vacant building secure from unauthorized entry by any effective methods, or to fail to maintain a vacant building according to the requirements of this section.

**Section 2.** This ordinance may be cited by the short title of, "Vacant Building Ordinance."

First reading this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor

## AGENDA BILL

Beaverton City Council  
Beaverton, Oregon

3/20/06

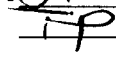
**SUBJECT:** An Ordinance Amending the Beaverton Code in Chapter Two Relating to the Inventory of Prisoner Personal Property and Declaring an Emergency

**FOR AGENDA OF:** ~~03-06-06~~ **BILL NO:** 06043

**Mayor's Approval:** 

**DEPARTMENT OF ORIGIN:** City Attorney 

**DATE SUBMITTED:** 02-24-06

**CLEARANCES:** Police   
Risk Mgt. 

**PROCEEDING:** ~~First Reading~~, Second Reading and Passage

**EXHIBITS:** 1) Ordinance with highlight/strikethrough and legislative comments  
2) Ordinance

### **BUDGET IMPACT**

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$221.00	BUDGETED \$0.00	REQUIRED \$0.00

### **HISTORICAL PERSPECTIVE:**

Council passed the Prisoner Personal Property Inventory ordinance in December, 2005. When turning to implement the ordinance alongside existing Police Department orders on persons in custody, it became apparent both those documents would need to be amended in order to marry the inventory to existing and desired procedures.

### **INFORMATION FOR CONSIDERATION:**

The new ordinance increases the amount of jewelry and other tokens which must be removed from a person to conduct the inventory. This matches the existing practices of removing anything small or hard from a prisoner to eliminate risk of injury or misuse. The ordinance also states that it applies within that part of Police premises which is the secure station on the 1<sup>st</sup> floor of the building. The ordinance clarifies that a subset of the category called "dangerous property," includes items of property which, in the wrong hands, could be used to damage physical property of the city or of fellow prisoners. The ordinance provides for a preliminary safety inspection to keep extremely dangerous items away from our building. Finally, the inventory was made to cover situations such as when an officer transports an arrestee directly to the county jail, and the jail refuses to accept prisoner property such as suitcases, thus leaving it up to the city to process and store the rejected items. The \$221 expenditure is the cost of new lockers to store inventoried items during periods of custody in our building.

A copy of the ordinance is attached with explanatory notes in italics embedded in the text. Should this ordinance need interpretation by a court or other body in the future, where the italics in this packet explain a code section which was previously explained in italics in the first ordinance, No. 4377, the present explanation shall control.

### **RECOMMENDED ACTION:**

~~First and~~ Second Readings and Passage

**Agenda Bill No:** 06043

**AN ORDINANCE AMENDING THE BEAVERTON CODE  
IN CHAPTER TWO RELATING TO THE INVENTORY OF PRISONER  
PERSONAL PROPERTY AND DECLARING AN EMERGENCY**

**WHEREAS**, Council passed Ordinance 4377 on December 5, 2005,  
providing for an inventory of prisoner personal property; and

**WHEREAS**, Both the Ordinance and the existing Police Department  
Orders for processing prisoners and their property need amendments in order to  
function smoothly together; and

**WHEREAS**, Council will pass an amendment to the Ordinance, and the  
department will administratively amend its Orders pursuant to the grant of  
authority contained in Beaverton Code section 2.08.055; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** The Beaverton Code is amended by amending Ordinance  
4377 as set forth below

**“INVENTORY OF PRISONER PERSONAL PROPERTY.**

**2.08.010 Legislative findings.** The City Council observes, among other  
reasons, that the findings and policies listed below support an inventory of  
prisoner personal property

A. Beaverton Police Officers are often the first persons in contact with  
suspects who are taken into custody, bringing such persons physically into the  
police station.

B. Bringing a prisoner into the police department premises is a vehicle  
for introducing valuable pieces of property or, alternatively, dangerous property  
found on a person, into the police department premises.

C. Police officers currently face the risk that suspects in custody may  
bear or carry dangerous items such as syringes, weapons, objects which could

be used as a weapon, or toxic or flammable substances, on their persons or otherwise accessible. An inventory separates a person from dangerous items.

D. An inventory of valuable and dangerous items provides mutual protection, accountability and safeguards when such items are brought into the police department;

**2.08.015 Definitions.** For the purpose of this ordinance, the following mean:

Attached property – Personal property such as jewelry or other decorative personal objects in the manner of body art or body piercing jewelry, but not including containers, to which all of the following apply:

A. The item appears reasonably securely fastened to or through the person's skin; and

B. The item is neither valuable nor dangerous personal property.

Closed container – A container the contents of which are not exposed to view. Includes, but is not limited to, a wallet, backpack, bedroll, fanny pack, purse, suitcase, or food or drink canister.

Container – An item designed to hold other things, or an item which is used or may be used to actually hold other things. The term includes both open and closed containers. Some types of containers may be located within other containers.

Dangerous personal property - Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury, property damage, or providing a means of escape, including, but not limited to weapons and toxic, flammable or explosive substances.

Officer – A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Open container – A container that is unsecured or incompletely secured such that the container's contents are exposed to view, generally including but not limited to, a sack, bag or folder.

Personal property - Every kind of property except land, tenements and fixtures.

Pocket – An external or internal enclosure located on or within an item of clothing or other piece of property, in which items may be located or stored.

Police station – The secure portion of the Beaverton City Hall building set aside for police use which contains the police department temporary holding facility area.

Prisoner – A person under lawful custodial arrest or detention, including, but not limited to, a person taken into custody for violation of law or upon a mental health hold pursuant to ORS Chapter 426, including ORS 426.228; a person taken into custody for treatment of intoxication pursuant to ORS Chapter 430, including ORS 430.399; and a person taken into protective custody pursuant to ORS Chapter 419B, including ORS 419B.150. The term does not include a person issued a criminal citation and released under authority of ORS 133.055 to ORS 133.076 unless the citation and release occurs upon premises of the Beaverton Police Station.

Torso - The trunk of the body; the body exclusive of the head, arms and legs.

Treatment facility - Includes outpatient facilities, inpatient facilities and such other facilities as the Oregon Department of Human Services determines suitable, any of which may provide diagnosis and evaluation, medical care, detoxification, social services or rehabilitation for alcoholics or drug-dependent persons and which operate in the form of a general hospital, a state hospital, a foster home, a hostel, a clinic or other suitable form approved by the Oregon Department of Human Services.

Valuable personal property - Any cash, check, money order or other negotiable instrument, in any amount; any earring, necklace, ring, watch, bracelet or other similar item of jewelry which is removed from the person's body or from a container or other piece of the person's property, regardless of the item's apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more. Attached property is not valuable personal property.

**2.08.020 Purpose.** The inspection and inventory of prisoner property pursuant to this ordinance is intended to:

- A. Protect a prisoner's property while in custody of the city;
- B. Protect the city, its employees and agents against claims or disputes over lost, stolen or damaged property; and
- C. Protect prisoners, city employees and others in the area of a prisoner or a prisoner's property from potential danger.
- D. This ordinance is not intended to diminish any law enforcement activities presently authorized under law.



**2.08.025 Duty to inspect prisoner property.**

A. An officer shall inspect the personal property of every prisoner as provided in this ordinance.

B. This ordinance shall also apply when a person in the custody of an officer is transported directly to another facility such as a jail, yet whose property is undeliverable to that facility and instead is left with the Beaverton police.

**2.08.025 Preliminary safety inspection** The purpose of this section is to identify readily-apparent and highly dangerous substances which would normally be brought into the police station and discovered in an inventory upon those premises, but which should not be brought into the Beaverton City Hall building due to the extreme and obvious danger they present to persons and property. This section applies to certain containers listed below in subsection (A) which are inevitably destined for arrival at the police station. This section shall only be triggered when a person is taken into custody by an officer, the officer knows he or she will be transporting the person to the police station (or if to another facility, the officer retains custody of containers that the other facility has rejected), and the officer knows he or she will be conducting the manner of inspection set forth in BC section 2.08.035.

- A. The officer shall visually note any purse, sack, backpack, fanny pack, suitcase, or other container designed for, or actually used for, the purpose of carrying personal items, when it is inevitable that the container will be arriving at the police station.
- B. Before entering the police station the officer shall open such a container and conduct a preliminary safety inspection, which is defined as a cursory visual and manual inspection designed to identify the following subset of dangerous personal property:
  - 1. Explosive devices such as bombs, hand grenades or other similar military ordinance, plastic explosive, or incendiary explosive devices.
  - 2. Toxic or unstable chemicals such as gasoline, nerve gas or similar chemical weapons, or substances used in the manufacture of methamphetamine.
  - 3. Biologic weapon substances, including material such as strains of anthrax, ebola, bubonic plague, or other biologic warfare agent.
- C. Property described in subsection (B) which is discovered in a preliminary safety inspection shall be noted on the inventory form in the course of the identification of property required by BC section 2.08.040. The property shall be processed by a second officer

according to existing orders or procedures of the Beaverton Police Department.

- D. The officer shall not remove any items of personal property from containers during the preliminary safety inspection other than the dangerous items listed in subsection (B).
- E. Closed containers which are opened pursuant to this section shall be immediately closed again after the preliminary safety inspection.

**2.08.030 Timing of inspection.** Except for the preliminary safety inspection the inspection of a prisoner's property pursuant to this ordinance shall occur after the prisoner is within the police station and prior to the prisoner being released or transported to another law enforcement agency, correctional facility, or treatment facility. If exigent circumstances reasonably require that the inspection be delayed, the inspection shall occur as soon as practicable after the exigency has passed.

**2.08.035 Manner of inspection.** The inspection of prisoner property shall occur in the following manner:

A. Unless otherwise authorized by law, the officer shall not remove the prisoner's blouse, skirt, dress, shirt, pants and/or underwear (including, but not limited to, underpants, T-shirt, bra, slip, nylons and/or pantyhose); provided, however, that if the prisoner is wearing more than one blouse, skirt, dress, shirt or pair of pants, the officer shall remove the outer blouse, skirt, dress, shirt or pair of pants, but shall not remove the blouse, skirt, dress, shirt or pair of pants worn closest to the flesh of the prisoner's torso. Unless otherwise authorized by law, if a prisoner is wearing an article of clothing not described in this subsection, the officer shall not remove the article of clothing if it is worn next to the skin of the prisoner's torso.

B. The officer shall remove:

1. the prisoner's footwear, including the prisoner's socks;
2. the prisoner's headgear, including the prisoner's hat, cap, or helmet; and
3. the prisoner's coat, jacket, vest or other clothing not described in subsection A of this section that is found on or in possession of the prisoner.

C. The officer shall remove the prisoner's accessories (including, but not limited to, any purses, backpacks, wallets, briefcases or fanny packs) that are found on or in possession of the prisoner. The officer shall not remove attached property.

D. The officer shall inspect the waistband and empty the pockets of the clothing worn by the prisoner. The officer shall perform an external patting of the clothing remaining upon the prisoner. An officer of the same sex, if reasonably available, shall visually inspect under the clothing covering the prisoner's side and front abdominal area and back lumbar area above the prisoner's waist.

E. The officer shall empty the pockets of clothing removed from the prisoner's body.

F. Except for attached property, the officer shall remove all items of personal property from the prisoner's removed and remaining clothing.

G. The officer shall remove from and inspect all items of personal property within any open container found on or in possession of the prisoner.

H. Closed containers found on or in the possession of a prisoner shall be opened and objects therein shall be scrutinized and may be removed to accommodate the inspection.

I. The prisoner's footwear, including socks, may be returned to the prisoner after inspection, provided such return does not create an unreasonable risk of harm to the health or safety of the prisoner, the officer, or any other person, or the property of any of them, or the property of the city of Beaverton.

**2.08.040 Identification and Safekeeping of Property.** As soon as is reasonably possible after the completion of an inspection of prisoner property, an officer shall:

A. Segregate the valuable and dangerous property, but not attached property, identified during the inspection, from the prisoner's other possessions.

B. Make a written list of all valuable and dangerous personal property found on or in the possession of the prisoner. The list shall not include attached property.

C. Note the disposition of each piece of valuable or dangerous personal property, but not attached property, discovered during the inspection by recording who takes or keeps physical custody of each item so discovered.

D. Take reasonable steps to safeguard personal property removed from the prisoner.

**2.08.045 Return of Property upon Release or Transfer** Personal property kept safe under this ordinance, and not retained upon other grounds, shall be returned in accordance with the following provisions.

A. When the prisoner is released from law enforcement custody, kept property shall be released to the person forthwith, or as soon as practicable after the inventory document is drafted.

B. If a prisoner is transferred to another facility, such as a jail, hospital, or other law enforcement or care facility, the kept property and a copy of the inventory may be transferred to a responsible individual at the receiving facility, or retained by the city, whichever course seems most safe and expedient under the circumstances. In addition to the above, the officer shall observe any applicable department policies, procedures or practices then in effect.

E This Ordinance shall not apply when persons are arrested, cited, and released at the scene of a crime. However, any property removed from a person during a stop, arrest or other detention, and which is not seized, should be timely returned to the person in conjunction with release.

F. Property which, for whatever reason, is not returned by operation of the subsections above shall remain with the Police Department for no fewer than 90 days, during which time any policies, procedures or practices currently in effect for property shall be followed.

**2.08.050 Distribution of Property Receipts.** The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

A. To the prisoner or included with prisoner's property.

B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455.

**2.08.055 Adoption of Administrative Policies or Procedures.** The Beaverton Police department may adopt administrative procedures, rules or regulations, or establish forms to carry out this ordinance. "

**Section 2: Severability.** It shall be the legislative intent that if any part of this ordinance shall be held invalid or unconstitutional, the remaining parts of this ordinance shall remain in force and effect.

**Section 3:** Emergency Clause. Council finds that immediate adoption of this ordinance is necessary to implement police department procedures and ordinance text already in effect. Therefore Council declares an emergency to exist and this ordinance shall take effect immediately upon its passage.

First reading this 6th day of March, 2006.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

\_\_\_\_\_  
SUE NELSON, City Recorder

\_\_\_\_\_  
ROB DRAKE, Mayor